

REMARKS

By the present amendment, claims 7 to 10 are pending in the application.

Support For Claim Amendment

Claim 7

Support for the amendment to claim 7 may be found in the specification, as originally filed, at page 8, lines 9 to 17. Figs. 3 and 4 of the drawings illustrate doorway opening 27, lintel panel 28 and wall panels 21(a), wherein wall panels 21(a) are the wall panels on the other two opposite sides.

Amendment To The Specification

The amendment to the specification is supported by Figs. 3 and 4 of the drawings which illustrate doorway opening 27.

§103

Claims 7 to 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,867,964 to Perrin in view of U.S. Patent No. 5,113,631 to diGirolamo et al.

This rejection, as applied to the amended claims, is respectfully traversed.

The Present Invention

In the present invention, a doorway opening 27 and a lintel panel 28 are provided in the wall of the lower storey, i.e., in the wall panels 21(a) wherein the upper edges are relatively higher (see attached Reference Figures). The wall panels 21(a) are the wall panels of the other two opposite sides.

Generally, the doorway opening 27 and the lintel panel 28 are not supported by columns or vertical frame studs, so they are structurally poor in strength.

In the structure of the Comparative Example shown in Attached Reference Figure (b), the lintel panel 28 directly receives load transmitted from an end of floor joists 31, so there is a probability of deformation or destruction.

As opposed to this, in the present invention, the lintel panel 28 does not directly receive load transmitted from an end of floor joists 31, so it is strong and an excellent structure. See attached Reference Fig. (a).

The reason for the difference in performance between the Invention Example (Fig. (a)) and the Comparative Example (Figure (b)), is that the difference in performance depends on the arrangement of the floor panel 24 and the lintel panel 28. Since the floor panel 24 is constructed by the floor joists 31 and the floor plate 32, the rigidity is different in the longways direction and breadthways direction of the floor panel 24.

The attaching direction of the floor panels 24 is determined by the relative height of wall panels on the two opposite sides in single meaning as shown in Attached Reference Figures (a) and (b).

In other words, an important point of the present invention is that the doorway opening 27 and a lintel panel 28 are provided in the wall of the lower story, i.e., in the wall panels 21(a) wherein the upper edges are relatively higher than the upper edges of wall panels 21(b).

If a house is constructed as that shown in the Comparative Example (Figure (b)), it is necessary to use a solid member as the lintel panel 28 and specific reinforcing hardware to attach it.

To the contrary, since the structure defined by the present invention (Figure (a)) is simplified, complicated work is eliminated as described at page 11, lines 11 to 15 of the specification.

U.S. Patent No. 5,867,964 ("US '964")

U.S. Patent No. 5,113,631 ("US '631")

US '964 and US '631 do not disclose or suggest the above structure of the present invention. Therefore, the present invention cannot be derived from these documents even if they are combined.


It is therefore submitted that amended independent claim 7, and claims 8 to 10 dependent thereon, are patentable over US '964 in view of US '631.

CONCLUSION

It is submitted that in view of the present amendment and foregoing remarks, the application is now in condition for allowance. It is therefore respectfully requested that the application, as amended, be allowed and passed to issue.

Respectfully submitted,

KENYON & KENYON LLP

By 
John J. Kelly, Jr.
(Reg. No. 29,182)

Dated: December 3, 2009

KENYON & KENYON LLP
One Broadway
New York, NY 10004
(212) 425-7200
CUSTOMER NO. 26646